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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/680,172
Applicant : Remi Swierczek
Filed : October 5, 2000
TC/A.U. : 3625
Examiner : Matthew S. Gart

Confirmation No. 8130

Docket No. : 5713-2
Customer No. : 021324

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Sir:

This paper is responsive to the Office action mailed September 28, 2004. If any fees are required, please charge them to Deposit Account 15-0450. This response is made under the proposed revisions to 37 CFR 1.121, issued on January 31, 2003.

A Listing of the Claims are provided for the Examiner's reference and begin on page 2 of this paper.

Remarks/Arguments begin on page 4 of this paper.



Practitioner's Docket No. 5713-2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Remi Swierczek

Application No.: 09/680,172

Group No.: 3625

Filed: 10/05/2000

Examiner: Gart, Matthew S

For: MUSIC IDENTIFICATION SYSTEM

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is a small entity. A statement was already filed.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

☒ with sufficient postage as first class mail.

37 C.F.R. § 1.10*

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) _____

Signature

Date: November 5, 2004

Robert J. Clark

(type or print name of person certifying)

* Only the date of filing (1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under 1.8 continues to be taken into account in determining timeliness. See 1.703(f). Consider "Express Mail Post Office to Addressee" (1.10) or facsimile transmission (1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY			
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA				
				RATE	ADDIT. FEE		
TOTAL	2	– 20	= 0	x \$ 9.00	= \$		0.00
INDEP.	2	– 5	= 0	x \$ 43.00	= \$		0.00
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$ 0.00	= \$		0.00
				TOTAL ADDIT. FEE	\$		0.00

No additional fee for claims is required.

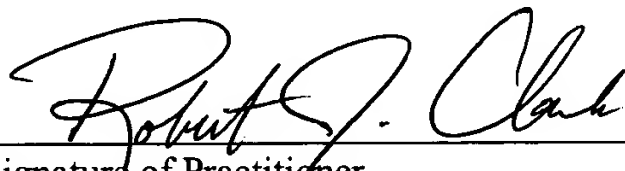
FEE DEFICIENCY

5. If an additional extension and/or fee is required, charge Account No. 15-0450.

If an additional fee for claims is required, charge Account No. 15-0450.

Date: November 5, 2004

Reg. No.: 45,835
Tel. No.: 330-864-5550
Customer No.: 021324



Signature of Practitioner
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